



EISA WITNESSING MISSION TO THE EGYPTIAN PARLIAMENTARY ELECTIONS First Phase

17 – 28 October 2015

Preliminary statement

The Parliamentary elections were technically well run and took place in a peaceful atmosphere. EISA urges more voter participation which is essential for the legitimacy of the new parliament

1. Introduction

Following an invitation by the Egyptian Ministry of Foreign Affairs and its subsequent accreditation by the High Elections Committee (HEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a mission to witness the 2015 Parliamentary Elections in the Arab Republic of Egypt. This statement presents the preliminary findings and recommendations for the first phase of the Parliamentary Elections held on the 17-19 October and subsequent run-off held on the 25-28 October 2015.

The EISA Election Witnessing Mission (EWM) is led by Shiek Abdul Carimo Nordine Sau, Chairperson of the Mozambique National Elections Commission (CNE) and is deputised by Mr Denis Kadima, EISA Executive Director. The EWM comprised ten Long Term Witnesses (LTWs) and ten Short Term Witnesses (STWs) drawn from 14 countries¹. The Mission witnessed the first phase of the 2015 Parliamentary elections in 13 governorates, namely, Alexandria, Assuit, Aswan, Beheira, Beni Suief, El Eady Geded, Fayoum, Giza, Qena, Luxor, Marsa Matrouh, Minya and Sohag.

The preliminary assessment of the electoral process is based on the principles and standards set out in the African Charter on Democracy, Elections and Governance, the African Union Declaration of the Principles Governing Democratic Elections in Africa, the International Principles for International Observation of Elections, the Principles for

¹ Chad, Democratic Republic of Congo, Guinea Conakry, Finland, Madagascar, Mali, Mozambique, Nigeria, Seychelles, South Africa, Sudan, Tanzania, Tunisia and Zimbabwe

Election Management, Monitoring and Observation (PEMMO), as well as the Arabic Republic of Egypt's legal framework governing elections. The Mission's conclusion on the first phase of Parliamentary Elections is restricted to the period up to 29 October 2015.

The EISA teams of witnesses continuously engaged various electoral stakeholders and other witnessing teams in consultative meetings at national level and in their areas of deployment in the eleven governorates covered. The teams also witnessed the final election campaign activities as well as the delivery and receipt of voting materials in certain polling stations.

During the first phase of polling, 21 EISA witnesses visited 512 polling stations in 13 governorates where they witnessed the process of voting, counting, aggregation, and the declaration of results. The EISA witnessing mission remains in Egypt to witness the centralisation of results as well as the post-election period of phase one- as it prepares to also witness the forthcoming phase two of voting scheduled for November-December.

2. Preliminary findings

2.1 Pre-election issues

The long awaited 2015 Parliamentary elections in the Arab Republic of Egypt presents a milestone in the country's transitional roadmap following the removal of former President Mohamed Morsi from office in July 2013. The previous parliament was elected between November 2011 and January 2012 and was dissolved in June 2012 by the Supreme Council of the Armed Forces (SCAF) through a ruling by the Egyptian Supreme Constitutional Court. Since June 2012, Egypt has been without a legislature and the country has been governed through presidential decrees. The 2015 elections are therefore a crucial step because of the role the new parliament is expected to play with regard to law making and holding the executive to account.

Initially scheduled to be held from March to April 2015, the elections were postponed following Egypt's Supreme Constitutional Court (SCC) ruling that the country's Elections Constituency Division Law was unconstitutional. Subsequently, although the law was revised, political parties and candidates expressed discontent on the electoral timetable which they found to be lengthy. Candidates who were registered to contest in the March-April 2015 polls were not required to resubmit for nomination.

The EISA EWM noted that these elections are taking place within the context of heightened security surveillance due to the increased threat of terrorism within the country. It also notes that since the events of July 2013, the space for political dissent and competition has significantly shrunk. It also notes the reports of arrests and sentencing of persons with dissenting views.

Despite the low turnout during the first phase elections, the Mission commends the people of Egypt for their peacefulness and patience on the voting days. The Mission encourages Egyptian voters to continue to act peacefully throughout this protracted electoral process.

Egypt is a party to international and regional standards, most notably, the United Nations International Covenant on Civil and Political Rights (UN ICCPR). In the African region, Egypt has ratified the African Charter on Human and Peoples' Rights. Article 93 of the Constitution provides that those international instruments to which Egypt is a party have the force of law.

The 2015 parliamentary elections are held under the new constitution of 18 January 2014 and decrees made by the President of the Republic, in the absence of Parliament. The mission notes that the legislature has been absent for the last three years, leaving the executive with the dual role of law making and execution. This contravention of article 3 of the AU Declaration on the Principles Governing Democratic Elections in Africa is expected to end with the election of a new parliament.

The stakeholders consulted by the Mission generally expressed confidence in the impartiality and ability of the HEC to successfully manage the elections despite some concerns over the short time period made available to submit complaints and appeals after the election.

2.2 Electoral campaign and campaign finance

The electoral campaign was remarkably quiet. It took place in a peaceful atmosphere. Chapter IV of Law No. 45/2014 Egypt has clear provisions on party and campaign funding. Articles 23-26 provides for campaign rights, campaign period, ceilings on campaign expenditure and stipulate acceptable sources of campaign funds. The law provides for two million Egyptian pounds as a maximum expenditure limit for each candidate, In the case of a runoff, this amount goes down to one million Egyptian pounds. Article 27 provides for the candidate to open the bank account in local currency in a bank specified by the High Elections Committee (HEC).

In an attempt to monitor compliance with the law, the mission noted, that it is required of both the bank and the candidate are required to notify the HEC of any transaction on this account. This increased transparency and accountability of the process.

2.3 Voter Participation

On 17 October 2015 President Abdel Fattah el-Sisi made an appeal to the electorate to turn up at the polls. The appeal was accompanied with the granting of a half day off for public servants in a bid to encourage a high turnout in the polls. Despite the appeal and the half day leave, the electoral authorities reported a turnout of 26.5% in the two days of the first phase.

The EISA EWM cannot conclusively provide an explanation for the behaviour of Egyptian voters in these elections. It appeared however that inadequate and insufficient sensitisation of voters, limited campaign period and long distances to polling centres in some areas, especially in sparsely populated areas, may have contributed to the low turnout. Amongst the other reasons for low turnout could be, as a result of a lack of interest or voter fatigue considering that Egypt has had a protracted electoral process since 2011 comprising six elections or the fact that the new political parties and candidates and their campaign messages were not well known to the voters.

2.4 Electoral Dispute Resolution

Chapter VI of law NO. 45 of 2014 provides for complaints and appeals. The HEC released a statement on 26 October 2015 announcing that it suspended the runoff election in four constituencies, namely Damanhur, Al-Wasata, Al-Raml and Beni Suef. In its statement, HEC announced that it was implementing the Administrative Court's rulings.

EISA witnesses reported that many Egyptians, including candidates, were unaware of the appropriate avenues to complain. The Mission is unable to assess the complaint procedures as the information disseminated about complaints appeared limited. The mission notes that rules and procedures for HEC's adjudication of the electoral disputes may benefit from further articulation and publicity.

The Mission further notes that the law is silent on a timeframe for a court ruling on appeals. Any delay on appeal rulings can impact on re-elections.

2.5 Participation of Women

The Mission appreciates the introduction of quotas for marginalised groups and minorities as provided in Article 224 of the 2014 Constitution for the closed list ballot. Most stakeholders expressed satisfaction with major improvements in terms of the participation of women in this process.

The appointment of female polling staff and party agents in the first phase of the Parliamentary elections deserves to be encouraged. However, the Mission regretted the low number of female candidates across governorates during this phase.

This following is a summary of observations and relates to those polling stations witnessed by the EISA Witnessing Mission:

3. Election day findings

The EISA EWM teams witnessed voting at 512 polling stations spread in the 13 governorates. The polls opened on time in 68% of stations visited by EISA teams on election days with the latest opening at 10h00 due to the late arrival of presiding judges or slow preparations by polling officials.

The atmosphere outside the polling stations was peaceful and orderly in and around 99% of the stations visited by EISA teams. The Mission noted with satisfaction the use of voter identification technology in selected polling stations as a pilot project which made the work of polling staff easier.

The Mission however, noted the inaccessibility of 27% of the polling stations to persons with disability and the elderly. These polling stations were located upstairs in buildings, making it difficult for persons with disability and the elderly to access the poll.

Election personnel were in sufficient numbers in polling stations visited. Personnel generally showed improved understanding of the voting procedures, with voters being processed in around three minutes in most stations visited. Women represented 29% of the polling staff.

The Mission notes that of an average of 2 party/candidate agents were met at polling station visited during the first two days of the polls. However, the witnesses found that not all parties/candidates were represented by agents at the polling stations. Notably, during the runoff election, the average was 1 party agent at the stations visited.

Closing and counting was free from disturbance or disagreement. The Mission also noted that the counting procedures were not applied consistently across polling stations visited and results were not announced and pasted at polling station level.

The Mission further noted with concern, the high number of spoilt ballots in the first two days of the polls. EISA EWM is of the opinion that the complex electoral system and insufficient voter education activities may have impacted on the high number of spoilt ballots.

The mission notes with regret that its witnesses deployed in Giza as well as party and candidate agents were not allowed to witness the counting process at Giza primary school during the first two days of the elections.

4. Preliminary Recommendations

Based on its findings, the Mission makes the following recommendations:

The Government:

The Mission recommends that government, together with the HEC and other national electoral stakeholders reflect, analyse and address the underlying causes of the low voter turnout before the second round. This will go a long way in ensuring the legitimacy of the electoral outcome and that of future elections.

To the High Elections Committee:

- **In future, increase the campaign period** in order to allow candidates and parties sufficient time to get their messages across to voters.
- **Polling locations:** Ensure that polling locations are easily accessible to the elderly and people with disability;
- **Civic and voter education:** Carry out robust voter education to sensitise voters on voting procedures.
- **Vote count procedures:** It is recommended that the HEC publicises procedures on the vote count and the publication of results, as well as regulations on the access of candidates, parties, and their agents to the counting centres and that they enforce these rules. The Mission recommends that results be posted at the entrance of polling stations after counting.

- **Release election results:** The Mission urges the HEC to make election results available at each polling station as well as publish overall election result per polling station in order to ensure traceability of the results. These are recognised international good practices aimed at enhancing public confidence in the results process.
- **Complaints and appeals:** The Mission calls upon election authorities to provide information on the complaints and appeal process to stakeholders timeously. The Mission further calls for reasonable time for filing complaints and for the courts to make determinations on election issues timeously.
- **Election witnesses:** Allow witnesses to follow the entire voting and counting processes without limitations to allow them to freely and comprehensively assess the electoral process.

To Parties and Candidates:

- The Mission recommends that party agents and candidates increase their presence at polling station from commencement of voting up to the end of counting votes so as to increase the transparency and accountability of the process.
- Political parties and candidates should continue to sensitise supporters to participate in the electoral process.

5. Concluding Remarks

The EISA Mission commends the people of Egypt for their peacefulness and patience on the voting days. The Mission encourages Egyptian voters to continue to act peacefully throughout this protracted electoral process. The Mission notes that the parliamentary elections were technically well run and took place in a peaceful atmosphere. It urges more voter participation which is essential for the legitimacy of the new parliament

EISA will continue to closely follow the process through its long term witnesses until the conclusion of the election process. The Institute will issue another preliminary statement after the second phase of the election which will be followed by a comprehensive final report a few months later.

EISA is thankful to the Ministry of Foreign Affairs and the HEC for having afforded the Institute the opportunity to witness such a defining moment in the political history of contemporary Egypt.